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Authorisation and Representation before *Leviathan*

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In this article, I show that Hobbes's account of the generation of the commonwealth in both *The Elements of Law* and *De Cive* relies on ideas that he would come to theorise in terms of authorisation and representation in *Leviathan*. In this respect, I argue that the *Leviathan* account is better understood as filling in gaps and resolving equivocations in Hobbes's theory, rather than marking a decisive break in his thinking. This argument is developed by substantiating two more specific theses. First, while Hobbes only explicitly distinguished between the "alienation" and "authorisation" clauses of the covenant in *Leviathan*, the earlier versions of his theory rely on a two-clause account. Second, in the earlier versions of his theory, Hobbes equivocates between suggesting that the relation between the state and sovereign should be understood in terms of representation or identity; an equivocation that he would only resolve in *Leviathan*.

Chapter sixteen of *Leviathan*, entitled "*Of Persons, Authors, and Things Personated*", has no precedent in the earlier recensions of Thomas Hobbes's political theory. The chapter includes Hobbes's first discussion of the concepts of authorisation and representation, the use of which Noel Malcolm has recently described as the "most significant new development in the political theory of *Leviathan*".¹ This

This essay grew out of another essay. For feedback on the earlier version, I would like to thank audiences at KU Leuven and the Universities of Turin and York. For helpful comments on drafts of this version of the essay, I am especially grateful to Laurens van Apeldoorn, Mónica Brito Vieira, Sean Fleming, Johan Olsthoorn and the anonymous referees for *Hobbes Studies*.

¹ Noel Malcolm, "Editorial Introduction," to his edition of *Leviathan*, vol. 1: *Introduction* (Oxford: Clarendon Press, 2012), 15.

view commands considerable support.² In this article I push back gently against it. Without understating the significance of authorisation and representation in *Leviathan*, I aim to show that in certain respects their introduction does not mark as decisive a break from the earlier versions of his theory as might otherwise be expected.³ I argue that in both *The Elements of Law* and especially *De Cive*, Hobbes's account of the generation of the commonwealth relies on ideas that he would later come to theorise in

² For similar claims about the significance of authorisation in changing the theoretical basis of Hobbes's theory in *Leviathan*, see, for example, David Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 1969), 120; Quentin Skinner, "Hobbes and the Purely Artificial Person of the State," in his *Visions of Politics, Volume 3: Hobbes and Civil Science* (Cambridge: Cambridge University Press, 2002), 183; A. P. Martinich, "Authorization and Representation in Hobbes's *Leviathan*," in A. P. Martinich and Kinch Hoekstra (eds.), *The Oxford Handbook of Hobbes* (Oxford: Oxford University Press, 2016), 316. For similar claims about the theory of representation, see, for example, Bryan Garsten, "Religion and Representation in Hobbes," in Ian Shapiro (ed.), *Leviathan* (New Haven and London: Yale University Press, 2010), 522; Glen Newey, *The Routledge Guidebook to Hobbes' Leviathan*, 2nd ed. (London and New York: Routledge, 2014), 251.

³ In this respect, my approach is closest to Hannah Pitkin's "Hobbes's Concept of Representation—II," *American Political Science Review* 58, no. 4 (1964): 902-918. For criticism see Patricia Springborg, "*Leviathan*, the Christian Commonwealth Incorporated," *Political Studies* 24, no. 2 (1976): 171-183. While I note some disagreements with Pitkin, my analysis broadly supports her line of interpretations. For other studies that adopt a similar approach see Gauthier, *Logic of Leviathan*, chapters 3 and 4; Yves Charles Zarka, *Hobbes et la pensée politique moderne* (Paris: Presses Universitaires de France, 1995), chapter 3; Maria L. Lukac de Stier, "Hobbes on Authority *De Cive* and *Leviathan*: A Comparison," *Hobbes Studies* 10 (1997): 51-67. More recent scholarship on authorisation and representation (when not based on *Leviathan* alone) tends to look forward to Hobbes's accounts in *De Homine* and the Latin *Leviathan*, with relatively less attention focused on how the theory changes from the earlier works. For example, see David Runciman, "What Kind of Person is Hobbes's State? A Reply to Skinner," *The Journal of Political Philosophy* 8, no. 2 (2000): 274-277; Skinner, "Purely Artificial Person"; Newey, *Hobbes' Leviathan*, 260-262; Martinich, "Authorization and Representation," 323-332.

terms of authorisation and representation.⁴ Seen this way, these concepts allowed him to theorise more successfully positions he was already committed to – or at least grappling with – in the earlier works.

My analysis focuses on two aspects of Hobbes's account of the generation of the commonwealth. The first concerns the clauses of the covenant that institutes the commonwealth. In *Leviathan*, Hobbes distinguishes between what might be termed the alienation and authorisation clauses. Individuals both give up their right of governing themselves (alienation) and authorise all the sovereign's actions (authorisation).⁵ This two-clause account is usually taken to be original to *Leviathan*. A. P. Martinich, for example, claims that the argument of *Elements* and *De Cive* rests solely on alienation and Hobbes's modified theory appears "for the first time in *Leviathan*, which ... adds the concept of authorization to the original theory."⁶ While it is true that the authorisation clause was only

⁴ My focus here is only on Hobbes's account of the generation of the commonwealth and my conclusions, therefore, do not extend to the many other ways that he employs the concepts of authorisation and representation from *Leviathan* onwards, some of which do mark a more decisive break from his earlier theory (e.g. his controversial interpretation of the Trinity). For more wide-ranging studies that bring the political and theological (and other) dimensions of representation together, see Mónica Brito Vieira, *The Elements of Representation in Hobbes: Aesthetics, Theatre, Law, and Theology in the Construction of Hobbes's Theory of the State* (Leiden and Boston: Brill, 2009); Garsten, "Religion and Representation"; Arash Abizadeh, "The Representation of Hobbesian Sovereignty: *Leviathan* as Mythology," in S. A. Lloyd (ed.), *Hobbes Today: Insights for the 21st Century* (Cambridge: Cambridge University Press, 2013), 113-152.

⁵ Thomas Hobbes, *Leviathan, vols. 2 and 3: The English and Latin Texts*, ed. Noel Malcolm (Oxford: Clarendon Press, 2012), xvii.13, 260. All references to *Leviathan* are given by chapter, paragraph and page numbers in this form. For contrasting analysis of whether these two clauses are consistent see Michael J. Green, "Authorization and Political Authority in Hobbes," *Journal of the History of Philosophy* 53, no. 1 (2015): 25-47; and Martinich, "Authorization and Representation."

⁶ A. P. Martinich, *Hobbes* (London and New York: Routledge, 2005), 116. A further issue, which I do not address here, is that the terms of the alienation clause change between Hobbes's works. It is only in *Leviathan* that Hobbes emphasises that individuals lay down their right of governing themselves, rather than their right to resist the sovereign, as in the earlier works.

formulated explicitly in *Leviathan*, I argue that Hobbes's theory of union – whereby the commonwealth is conceptualised as a civil person with a single will – cannot be justified by the alienation clause alone. The argument that individuals lay down their right of resistance to the sovereign is insufficient to show why the sovereign's will should “involve and be taken for the wills of every man”,⁷ as Hobbes's theory of union requires. This is one of the key ideas that he would recast in terms of authorisation and representation in *Leviathan*.

The second aspect of Hobbes's account I focus on concerns the relation between the sovereign and the state,⁸ a focus which challenges the view that that “the primary relation of representation is between the person of the sovereign and its individual subjects.”⁹ In both *Elements* and *De Cive*, Hobbes either suggests, or openly endorses, what I am calling the sovereign-state identity thesis, according to which the sovereign *is* the state.¹⁰ Yet in *De Cive* he also claims that the sovereign may “be regarded as the commonwealth”,¹¹ in a sense that is closer to *Leviathan*'s more familiar account of the sovereign representing the state. In his earlier works, then, the relation between the sovereign and the state is under-theorised and in *De Cive*, in particular, Hobbes equivocates between suggesting that it should be understood in terms of representation or identity; an equivocation that he could finally resolve in *Leviathan* with his theory of representation explicated.

⁷ Thomas Hobbes, *The Elements of Law, Natural and Politic*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1994), xx.3. All references to *Elements*, *De Cive* and *De Homine* are given by chapter and section numbers in this form.

⁸ I use the terms “state”, “commonwealth” and “body politic” interchangeably. As early as *Elements* (xix.11), Hobbes makes the subversive claim that patrimonial and despotic bodies politic – and not just those instituted by individuals joining together – should be termed commonwealths.

⁹ Martinich, “Authorization and Representation,” 324, 332-336.

¹⁰ See also Pitkin, “Concept,” 905-906, who mentions this idea without giving it the prominence that I do here.

¹¹ Thomas Hobbes, *De Cive*, trans. as *On the Citizen*, ed. Richard Tuck and Michael Silverthorne (Cambridge: Cambridge University Press, 1998), v.9.

This article focuses predominantly on *Elements* and *De Cive* and assumes a general familiarity with the place that authorisation and representation occupy in *Leviathan*. This vantage point is particularly helpful for assessing the extent to which (and respects in which) the *Leviathan* account of the generation of the commonwealth either marks a decisive break with his earlier theory, or, as I instead argue, should be seen as filling in gaps and modifying his earlier arguments. While it is not my main focus in this article, in the conclusion I draw some implications from my analysis for addressing interpretative debates about authorisation and representation in *Leviathan*.¹² This is, of course, only one of many approaches that could be taken for trying to make sense of the arguments of *Leviathan*, and I do not seek to provide an exhaustive explanation of the considerations that may have led Hobbes to revise his theory.¹³ What I hope to show, nonetheless, is that the problems that authorisation and representation help to answer are ones that Hobbes was grappling with from *Elements* onwards, and we are thus better placed to understand and evaluate his answers in *Leviathan* once we see how they develop out of his earlier works.

The Elements of Law

¹² In a companion piece, I explore the implications for *Leviathan* and Hobbes's place in the history of representation in more detail. See Robin Douglass, "Hobbes sur la représentation et la souveraineté," in Manuela Albertone and Dario Castiglione (eds.), *Les défis de la représentation : Langages, pratiques et figuration du gouvernement* (Paris: Classiques Garnier, forthcoming). The present article extends and revises some of my claims about the pre-*Leviathan* account of representation from that piece.

¹³ See also Green's eminently sensible remarks on this point in his "Authorization and Political Authority," especially 44-45. In suggesting that philosophical cogency was one factor, among many, that may have led Hobbes to revise his account, I do not mean to deny the importance of contextual considerations. My approach does assume, however, that the internal coherence of Hobbes's theory can be evaluated without attending to those considerations.

Hobbes famously denied that humans are naturally political creatures, like ants and bees, in part because there is no “natural concord” between them.¹⁴ Concord, or consent, involves the “concurrence of many men’s wills to one action”, but such concurrence is fleeting and insecure without fear of a common power to artificially bind a multitude together. Lasting peace can only be attained through “union”, which Hobbes defines as “the involving or including the wills of many in the will of one man, or in the will of the greatest part of any one number of men”.¹⁵ The “making of union” requires “that every man by covenant oblige himself to one and the same man, or to some one and the same council.”¹⁶ Union is the artificial creation that differentiates one “person” from a multitude, and Hobbes conceptualises the body politic in terms of the former. In doing so, he attributes a single will to the body politic, thereby distinguishing it from a multitude with as many wills as there are individuals comprising it. A body politic is thus “a multitude of men, united as one person by a common power, for their common peace, defence, and benefit”.¹⁷ The common power is the sovereign.¹⁸

To institute a body politic, each individual within the multitude must allow “the wills of the major part of their whole number, or the wills of the major part of some certain number of men by them determined and named; or lastly the will of some one man, to involve and be taken for the wills of every man.” These options correspond respectively to democracy, aristocracy and monarchy, and in each case the assembly of men, or one man, whose will is taken for the wills of every man, is called the sovereign.¹⁹

Two questions merit consideration at this stage; one concerning the relation between individuals and the sovereign, the other concerning the relation between the sovereign and the body politic. First, when discussing union, what does Hobbes mean by “involving or including the wills of

¹⁴ *Elements*, xix.5.

¹⁵ *Elements*, xix.6; see also xii.7-8. The equivalence of concord and consent is suggested at xix.4.

¹⁶ *Elements*, xix.7.

¹⁷ *Elements*, xix.8.

¹⁸ *Elements*, xix.10.

¹⁹ *Elements*, xx.3.

many in the will of one”?²⁰ At first glance, the formulation of the covenant in *Elements* seems to rest on an alienation of right clause: every individual must “lay by or relinquish his own right of resisting him to whom he so transferreth it”, thereby becoming “a SUBJECT, (viz.) to the sovereign.”²¹ This is straightforward. If everyone agrees to obey the same individual or council then peace may be secured. But Hobbes says more than this. It is not only that every man must obey the sovereign, but also that the sovereign’s will “involve and be taken for the wills of every man”. This phrase is somewhat ambiguous – even if “involve and be taken for” is a little clearer than “involving or including”²² – but seems to imply that whatever the sovereign wills should be understood as the will of every subject. One case where this implication is explicit is that of the sovereign performing unjust actions, of which Hobbes claims that “whatever this sovereign *demus* shall do, is done by the will of every particular man subject to him, who are therefore guilty of the same.”²³

This implication, however, does not clearly follow from the alienation of right clause.²⁴ If I agree to obey someone else then this need not mean that their will should be understood as my will. This might follow in some cases, given Hobbes’s understanding of will. If the sovereign orders me to

²⁰ As will become apparent, I take this passage to be a lot more important for the argument of *Elements* than Pitkin (“Concept,” 904), who describes it as “a mere aside, in an argument based on power and obedience.”

²¹ *Elements*, xix.10.

²² On Hobbes’s understanding of the will, it is unclear how one will can literally be involved or included in another, and if these phrases are metaphors then they remain mysterious. I am grateful to Sean Fleming for pointing this out to me.

²³ *Elements*, xxi.3. While this claim is in relation to democracies, the important point here is that individuals are subject to the sovereign, and not that they voted for the action in question. Such actions would only “be unjust before God Almighty, as breaches of the law of nature”. This passage also provides evidence against the claim that “Hobbes consistently maintains that moral responsibility for any action belongs solely to the person or persons whose *natural* will it expresses.” See S. A. Lloyd, “Authorization and Moral Responsibility in the Philosophy of Hobbes,” *Hobbes Studies* 29, no. 2 (2016): 172.

²⁴ Cf. Springborg, “Christian Commonwealth Incorporated,” 177-178, who argues that, for Hobbes, “to authorize is no more than to promise non-resistance.”

perform X then this determines my will (e.g. through fear of punishment) to comply. In performing X, I will to do whatever the sovereign has ordered me to do. Perhaps in this case the sovereign's will can be understood as my will, although even here there seems to be a relevant difference between the sovereign's will being *taken for* or *understood as* my will, and the sovereign's will *determining* my will. Either way, there are other cases where it is implausible to think that by merely agreeing not to resist, the sovereign's will should be understood as my will. Consider cases where the sovereign issues commands that do not directly affect me. For example, if the sovereign orders a standing army (of which I am not a part) to invade another state, then it does not follow, from the fact that I have agreed to obey the sovereign, that I should be understood to will the invasion in question. Indeed, on Hobbes's understanding of will as "the beginning of voluntary actions",²⁵ it is unclear how I could be said to will anything in relation to the invasion, since the sovereign's decree in no way affects my voluntary actions.

Even if there is some coherent way of inferring from the alienation of right clause that the sovereign's will should "involve and be taken for" the wills of every subject, this inference is not self-evident and Hobbes does not spell out the chain of reasoning underlying it. Given the way Hobbes conceptualises union, it is important that he can explain the mechanism by which the wills of every individual are united into one; after all, the very purpose of sovereignty is "to frame the will of them all to unity and concord amongst themselves."²⁶ Recall, however, that concord and union are not one and the same – only the latter turns a multitude into one person – and here the distinction between the two is key. If everyone agrees to alienate their right of resistance to one individual or council, then "the wills of many concur to one and the same action, or effect"; that is, an instance of concord.²⁷ It is only when "many wills are involved or included in the will of one or more consenting" that it becomes a case of "union".²⁸ The somewhat cryptic "involved or included" phrase is thus crucial for making sense of the difference between concord and unity.

²⁵ *Elements*, xix.7; see also xii.3.

²⁶ *Elements*, xix.7.

²⁷ *Elements*, xii.7.

²⁸ *Elements*, xii.8.

What is more, the “involved or included” phrase proves important for Hobbes’s account of how commonwealths are instituted “from the assembly and consent of a multitude.”²⁹ Of the three forms of commonwealth, democracy is necessarily “first in order of time”.³⁰ Both aristocracy and monarchy involve sovereignty being transferred, which Hobbes assumes would happen only by majority vote, “where the vote of the major part *involve* the votes of the rest”.³¹ Majority voting presupposes that a democratic commonwealth has already been instituted and that the will of the majority can thus be involved or taken for the will of every individual, for otherwise it would not bind those in the minority. It is not enough that individuals alienate their right of resistance to the democratic assembly because, if that were the case, the democratic assembly would still have to vote unanimously to decide what to do (i.e. a case of concord, with all wills concurring to the same action). Implicitly, at least, individuals must also agree that majority voting should be taken for the will of all, so that the will of the majority can bind everyone and the actions of the assembly can “be attributed to the multitude, or truly be called the actions of the multitude”.³² Hobbes did not distinguish these two clauses of the original covenant that institutes a democratic assembly – sometimes he seems to have taken the very idea of democracy

²⁹ *Elements*, xx.1.

³⁰ The temporal or logical priority Hobbes accords to democracy only applies to commonwealths by institution, not acquisition. In practice, he realised that almost all states originated in acquisition, or conquest. See Kinch Hoekstra, “A Lion in the House: Hobbes and Democracy,” in Annabel Brett and James Tully (eds.), *Rethinking the Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 2006), 207-210; Paul Sagar, “Of Mushrooms and Method: History and the Family in Hobbes’s Science of Politics,” *European Journal of Political Theory* 14, no. 1 (2015): 104-110.

³¹ *Elements*, xx.1 (emphasis added).

³² *Elements*, xx.2. This passage is probably the closest anticipation in *Elements* of *Leviathan*’s theory of authorisation, according to which being an author involves owning the words and actions of one’s representative. Notice here that the idea that the actions of the sovereign could be attributed to the multitude of individuals – such that they are *their* actions – clearly predates *Leviathan*.

to presuppose both³³ – but it remains important to highlight that more than the alienation clause is at work in his argument. When Hobbes claims that the sovereign’s will should “involve and be taken for the wills of every man”, then, he seems to be reaching for something else, but precisely what he is reaching for is left unspecified, or at least under-theorised, in *Elements*.

The second question to consider presently is less concerned with precisely what is transferred (or laid down) in the covenant and more with what it institutes, for the covenant institutes both the body politic and the sovereign. This being the case, what is the relation between the sovereign and the body politic? Hobbes may not have been particularly concerned with addressing this question in *Elements* and, consequently, the implications of his argument are not always clear. His definition of the body politic, at least, is consistent with holding that the sovereign and body politic are distinct entities. The sovereign is the common power that unites a multitude into one person, but it is the united multitude, rather than the sovereign, that is the “one person”. The multitude is united as a body politic because everyone agrees to obey a sovereign, not because they agree that the sovereign actually is the body politic. It is the sovereign’s will – not the will of the body politic itself – that should “involve and be taken for the wills of every man.”

A different answer to this question comes into view, however, once Hobbes’s use of the term “people” is considered. Recognising that it is an equivocal term, he claims that in one sense (his technical sense) people “signifieth a person civil, that is to say, either one man, or one council, in the will whereof is included and involved the will of every one in particular”.³⁴ In this passage the term people is subsumed under civil person – a synonym for “body politic”³⁵ – which is further identified

³³ *Elements*, xxi.1. But cf. xix.7, where Hobbes claims that when individuals covenant to obey a council, “then also they covenant, that every man shall hold that for the command of the whole council, which is the command of the greatest part of those men, whereof such council consisteth.”

³⁴ *Elements*, xxi.11.

³⁵ *Elements*, xx.1; see also xix.8 and xxiv.1 for other formulations of the body politic as a person. It is only in *De Cive* (v.10), that Hobbes claims that although “every *commonwealth* [*civitas*] is a *civil person* [*persona*]

with the man or council whose will is taken for the will of everyone. That man or council, Hobbes has already told us, is the sovereign. It follows that the people, or the civil person/body politic, is the sovereign; that is to say, they are one and the same entity. For ease of expression, I call this the sovereign-state identity thesis.³⁶

Hobbes endorses the sovereign-state identity thesis in relation to democracy. As in a democracy “every man may come that will and give out his vote, there the sovereign is called the people.”³⁷ As the people is a civil person, it follows that the sovereign is a civil person, or a state. Hobbes appeals to the etymology of *demos*, but this leads him to suggest that the sovereignty of the people is found only in democracies. It might seem that the equivalence of sovereignty and the people is specific to democracies, since there the multitude is united by its constituting the common power (in this case, a democratic assembly) to which it is at the same time subject. The “matter” (to borrow a term from *Leviathan*) of both the sovereign and the body politic are the same, which is not the case in an aristocracy or monarchy. When a democratic assembly transfers its sovereignty unconditionally to a monarch, Hobbes further claims, “then is the sovereignty of the people dissolved”.³⁸

Should the sovereign-state identity thesis apply only in the case of democracy? In *Elements* Hobbes often uses the term people as if it applies only to democracy, but in the passage where he claims that a people is a civil person he allows that the will of the people could be “included and involved” in that of one man or an assembly, thereby implying that this should apply equally to monarchies and aristocracies. Yet Hobbes never explicitly claims that an aristocracy or monarchy is the people, even if he insists that there is no body of the people distinct “from him or them that have the sovereignty over

civilis], not every *civil person* (by converse) is a *commonwealth*.” In the parallel passage in *Elements* (xix.9), Hobbes discusses subordinate bodies politic without drawing an equivalent distinction.

³⁶ Although the term “state” for body politic is more famous from *Leviathan*, Hobbes occasionally uses the term in this sense in *Elements*; most notably “sovereign state” at xxvi.11.

³⁷ *Elements*, xxi.2.

³⁸ *Elements*, xxi.10.

them”.³⁹ In these cases, when a democratic assembly transfers its sovereignty to an aristocracy or monarch, either the monarchical or aristocratic sovereign remains the people – as in the case of democratic sovereignty – or the people itself is dissolved (and not just the *sovereignty* of the people). In *Elements*, then, Hobbes openly endorses the sovereign-state identity thesis only in the case of democracy, when talking about the people in his technical sense of the term. Nonetheless, by claiming that the people united is a civil person or body politic, he opens up the possibility that this should apply to all forms of commonwealth.

De Cive

When we turn to *De Cive*, much of Hobbes’s account of the generation of the commonwealth follows *Elements*. Nonetheless, there are some subtle yet significant changes to his argument that merit attention. The first concerns the two clauses of the covenant that generates the commonwealth.

When discussing how the wills of all individuals in a multitude can bring about a single will, Hobbes claims that this “can only happen if each man subjects [*subiiciat*] his *will* to the *will* of a *single* other, to the *will*, that is, of one *Man* or of one *Assembly*, in such a way that whatever one *wills* on matters essential to the common peace may be taken [*habendum sit*] as the *will* of all and each.”⁴⁰ Michael Silverthorne’s translation of Hobbes’s Latin as “taken as” preserves the consistency with similar passages from *Elements*. Where in the parallel passage of the earlier work he wrote of “involving or including the wills of many in the will of one”,⁴¹ in *De Cive* Hobbes refers to the will of one being “taken as” the will of all (much as he does later in *Elements*⁴²). However, the idea that “each man subjects” his will to that of the sovereign takes on a meaning distinct from *Elements*, as Hobbes now claims that this act of subjection results in the “taken as” clause of the covenant. Yet there remains some

³⁹ *Elements*, xxvii.9.

⁴⁰ *De Cive*, v.6.

⁴¹ *Elements*, xix.6.

⁴² *Elements*, xx.3.

equivocation in the way Hobbes refers to subjection in chapter five of *De Cive*, and only two paragraphs later he writes that “a man who subjects his *will* to the *will* of another transfers to that other the *Right to his strength and resources*,” echoing *Elements*.⁴³ This equivocation obscures the difference between the alienation and “taken as” clauses of the covenant. Indeed, when describing the agreement that brings about “UNION”, Hobbes runs these clauses together, claiming that all men agree with one another “not to resist the *will* of the *man* or *Assembly* to which he has submitted himself” (alienation clause), and that the “*will of an Assembly* is understood as [*intelligitur esse*] the *will of the greater part* of the men who make up the assembly” (“taken as” clause).⁴⁴ Perhaps the first clause entails the second, but no justification is offered for why this should be the case and, as I argued in the previous section, this is far from self-evident.

When referring back to these passages in the following chapter, Hobbes clarifies “that the nature of a *commonwealth* [*civitatis*] consists in that *union* or *subjection* [*unione sive subiectione*]”.⁴⁵ Hobbes presents the two terms as equivalent, but this follows only if subjection is understood in the sense original to *De Cive*: when every individual subjects their will to that of the sovereign, the sovereign’s will “may be taken as the *will* of all and each.” That this “taken as” clause is central to Hobbes’s theory of union – and thus what it means to conceptualise the commonwealth as a civil person to whom one will can be attributed – is further emphasised in one of the clarifications Hobbes adds to the 1647 edition of *De Cive*, where he stresses that when a multitude all individually agree “*that the will of some one man or the consenting wills of a majority of themselves is to be taken as the will of all, that number then becomes one person; for it is endowed with a will.*”⁴⁶ One of the notable features of this passage is that Hobbes explicitly claims that all individuals agree that the will of the sovereign should be taken as the

⁴³ *De Cive*, v.8; cf. *Elements*, xix.7.

⁴⁴ *De Cive*, v.7.

⁴⁵ *De Cive*, vi.3.

⁴⁶ *De Cive*, vi.1.

will of all, rather than this apparently being implied from their having agreed not to resist the sovereign.⁴⁷

The *De Cive* account of union and subjection brings some of the interpretative difficulties from *Elements* into sharper focus. The equivocation in the way Hobbes uses the concept of subjection reflects a broader tension in his account of the generation of the commonwealth, the logic of which always relied on two clauses: an alienation clause and a “taken as” clause. Hobbes may not have realised that these clauses are logically distinct before *Leviathan* – as we have seen, he runs the two together – but when in *Leviathan* he claims that all individuals authorise *and* give up their right of governing themselves to the sovereign,⁴⁸ he finally articulates explicitly what had, or should have been, implicit all along.

If what I have argued so far is accurate, it oversimplifies things to say that the *Elements* and *De Cive* accounts of the commonwealth rely solely on an alienation clause, to which Hobbes adds the authorisation clause only in *Leviathan*.⁴⁹ The latter clause was anticipated in the earlier works, even if it was under-theorised and presented in different terms. Or, to be more precise, Hobbes usually presents the “taken as” clause of *Elements* and *De Cive* as a representation clause without an explicit act of authorisation. Hobbes may have (mistakenly) thought that the agreement that the sovereign’s will should be taken as the will of all follows from individuals agreeing not to resist the sovereign, but it is only in *Leviathan* that he argues explicitly that they agree both to lay down their right of governing themselves *and* to authorise all the sovereign’s acts; that is, they agree to two logically distinct clauses.⁵⁰

⁴⁷ Hobbes’s definition of the commonwealth (*De Cive*, v.9, discussed more below) is similar but not as explicit in this respect, as the “agreement of several men” applies to the sovereign’s will being “taken as the *will* of them all”.

⁴⁸ *Leviathan*, xvii.13, 260.

⁴⁹ Cf. Martinich, *Hobbes*, 116.

⁵⁰ Here my interpretation differs from Pitkin (“Concept,” 913), who claims that in “*Leviathan*, authorization replaces the phrase “transfer of rights,” and the latter seldom appears.”

Keeping these changes in mind also helps to correct the deflationary claim that, as Hobbes argued that the sovereign's will should be taken as the will of every individual in both *Elements* and *De Cive*, "neither authorization nor anything else in the *Leviathan* attempts to improve upon" the earlier account.⁵¹ This claim mistakes the presence of a conclusion for its justification. The *Leviathan* account of authorised representation is important precisely because it theorises in detail a crucial aspect of Hobbes's argument that had been under-theorised previously. In all his works, Hobbes conceptualises the commonwealth as a multitude united in one person with a single will, but only in *Leviathan* does he theorise precisely what it means for the sovereign's will to be taken as the will of everyone else.⁵²

My argument thus far has interpreted *De Cive* as clarifying, but not substantially changing, *Elements*' account of the generation of the commonwealth. However, there are further changes between the two works that have more far-reaching implications, especially for the sovereign-state identity thesis. One change occurs in the passage leading up to Hobbes's definition of the commonwealth:

Consequently, no single citizen nor all together (except him whose will stands for the will of all [*si excipiamus eum cuius voluntas sit pro voluntate omnium*]) are to be regarded as the commonwealth [*pro civitate censenda sit*]. A COMMONWEALTH, then, (to define it) is *one person*, whose *will*, by the agreement of several men, is to be taken as the *will* of them all [*habenda est ipsorum omnium*]⁵³

The parenthetical exception in this passage is of particular interest, for a couple of reasons. One relates to the previous discussion of the sovereign's will being "taken as" the will of all, or, as Silverthorne translates Hobbes's Latin here, the sovereign's will "stands for" the will of all. These passages might seem to anticipate the *Leviathan* account of representation, where the sovereign is the "representative

⁵¹ Clifford Orwin, "On the Sovereign Authorization," *Political Theory* 3, no. 1 (1975): 28.

⁵² The importance of this consideration is often neglected. For example, see Green's ("Authorization and Political Authority," 37-46) otherwise excellent survey of the different historical and philosophical reasons for why Hobbes might have added the theory of authorisation to *Leviathan*.

⁵³ *De Cive*, v.9.

of all and every one of the Multitude”.⁵⁴ Indeed, it is telling that in the 1649 French edition of *De Cive* (which Hobbes authorised), the language of representation enters Hobbes’s theory in precisely this passage, which Samuel Sorbière translates as “si vous en ôtez celui duquel la volonté *représente* celle de tous les autres”.⁵⁵

The passage is also significant because Hobbes now claims that it is the will of the commonwealth (the one person) which is to be taken as the will of them all. In *Elements* he had made this claim only in relation to the sovereign, not the commonwealth itself. Yet this difference may amount to little given that the parenthetical exception also suggests that the sovereign (“him whose will stands for the will of all”) may “be regarded as the commonwealth”, such that the sovereign’s will and the will of the commonwealth are one and the same. Here Hobbes addresses the relation between the sovereign and commonwealth more explicitly than in the parallel sections of *Elements*, and does so in a way that might seem to anticipate the position in *Leviathan*, where the sovereign represents the commonwealth. Elsewhere in *De Cive*, however, Hobbes endorses the sovereign-state identify thesis and, in doing so, extends his argument further than he had in *Elements*.

As in *Elements*, there is some equivocation in *De Cive* over the way Hobbes uses the term “people”. On the one hand, as he clarifies in the 1647 edition, whenever “*we say that a People [Populum] ... is willing, commanding or doing something, we mean a commonwealth which is commanding, willing and acting through the will of one man or through the wills of several men who are in agreement*”.⁵⁶ This implies that in such cases the people is the commonwealth and that this is true of monarchies (“*the will of one man*”) and not just democracies. Hobbes’s discussion of democracy, on the other hand, gives a very different impression. He maintains that the institution of a commonwealth must pass through a democratic stage: “each member of a multitude must agree with the others that on any issue anyone brings forward in the group, the wish of the majority shall be taken

⁵⁴ *Leviathan*, xix.1, 284.

⁵⁵ Thomas Hobbes, *Le citoyen ou les fondements de la politique*, trans. Samuel Sorbière, ed. Simone Goyard-Fabre (Paris: Flammarion, 1982), v.9 (emphasis added).

⁵⁶ *De Cive*, vi.1.

as the will of all”.⁵⁷ In a democracy the dominant power is called the people,⁵⁸ and aristocracy and monarchy originate in a transfer of sovereign right from the people to either a council or one man. Hobbes even claims that once “the *sovereign power* has been transferred into their hands, it is evident that the people [*populum*], as a single person, no longer exists.”⁵⁹

The equivocation over whether the term people should be used in relation to all forms of commonwealth or democracy alone is familiar from *Elements*, but when discussing the causes that tend to dissolve a commonwealth Hobbes extends his argument and, for the first time, openly endorses the sovereign-state identity thesis in relation to all commonwealths. Where in *Elements* he had claimed that there is no body of the people separate from the monarch or assembly that possesses sovereignty, in *De Cive* he draws the far more striking conclusion:

A people [populus] is a single entity, with a single will; you can attribute an act to it. ...

*In every commonwealth the People Reigns [Populus in omni civitate Regnat] ... In a Democracy and in an Aristocracy the citizens are the multitude, but the council is the people; in a Monarchy the subjects are the multitude, and (paradoxically) the King is the people [Rex est populus].*⁶⁰

The relation here is one of identity: the sovereign is the people, irrespective of the form of commonwealth. If whenever we speak of a people in this sense we mean a commonwealth then it follows that the sovereign is the commonwealth. Here, then, Hobbes explicitly endorses the sovereign-state identity thesis for all forms of commonwealth.

⁵⁷ *De Cive*, vi.2.

⁵⁸ *De Cive*, vii.1.

⁵⁹ *De Cive*, vii.8; vii.11.

⁶⁰ *De Cive*, xii.8.

The sovereign-state identity thesis might seem counter-intuitive and, as we have seen, Hobbes was somewhat hesitant to endorse it. Indeed, he does not endorse it consistently, even within *De Cive*.⁶¹ There are, however, obvious reasons why it would appeal to him. It clearly supports his argument that the sovereign's will and the will of the people (or the commonwealth) are indistinguishable, for if the will of any other individual or body could be taken as the will of the people then it would fatally undermine the sovereign's authority. Arguing that the sovereign is the commonwealth forestalls this possibility as the will of the sovereign is, by definition, the will of the commonwealth.

When discussing the "taken as" clause earlier, I suggested that *Leviathan's* account of representation and authorisation allows Hobbes to theorise more successfully a position that had been implicit in the earlier versions of his theory. The case is somewhat different, however, in relation to the sovereign-state identity thesis, which, as we shall see, the theory of representation rendered superfluous.

Leviathan

In this article I have argued that Hobbes's account of the generation of the commonwealth in both *Elements* and *De Cive* relies on ideas that he would come to theorise in terms of authorisation and representation in *Leviathan*. In this respect, the *Leviathan* account is better understood as filling in gaps and resolving equivocations in Hobbes's theory, rather than marking a decisive break in his thinking. Attending to the changes in Hobbes's account between the earlier versions of his political theory and *Leviathan* cannot answer all the interpretative puzzles about authorisation and representation in the later work, but it does have implications for some of those debates, a couple of which are worth highlighting by way of conclusion.

⁶¹ For example, in *De Cive* (vi.19) Hobbes draws the analogy of the sovereign being the soul (rather than the head) of the commonwealth. This has no precedent in *Elements* and is more famously promoted to the introduction of *Leviathan*. But if the sovereign is only the soul (and not all) of the commonwealth then the sovereign and commonwealth are not identical. As this passage locates the will in the soul, Hobbes's all-important conclusion that the sovereign's will is the will of the commonwealth is preserved.

The most notable implication concerns Hobbes's redefinition of sovereignty in terms of representation. As he famously announces towards the end of chapter seventeen, "he that carryeth this Person [the commonwealth] is called SOVERAIGNE, and said to have *Soveraign Power*".⁶² The commonwealth is a person, much as it is in the earlier recensions of Hobbes's theory,⁶³ but now the sovereign is said to carry or bear that person. This point suggests that Hobbes no longer endorses the sovereign-state identity thesis,⁶⁴ for the relation of bearing another's person is not one of identity.

The term "represent", Hobbes explains in chapter sixteen, is equivalent to "beare his Person, or act in his name").⁶⁵ The words or actions of the sovereign, as representative, are attributed to the commonwealth, the body represented. The sovereign, then, is an artificial person because he represents

⁶² *Leviathan*, xvii.14, 262.

⁶³ There are, however, important changes in the way Hobbes conceptualises the person of the commonwealth between his different works, on which see Johan Olsthoorn, "Hobbes on the Person of the Commonwealth," unpublished manuscript.

⁶⁴ Even in *Leviathan* matters are far from straightforward. While there is nothing resembling the *De Cive* claim, Brito Vieira argues that Hobbes alternates between saying that the sovereign "bears" and "is" the person of the commonwealth, and that this "ambiguity is deeply rooted in Hobbes's writings and too conspicuous to be dismissed as a mere slip," *Elements of Representation*, 168. Part of the ambiguity here concerns precisely what Hobbes means by the person of the commonwealth in *Leviathan*. While the commonwealth is a person, the person of the commonwealth could equally refer to the sovereign; that is, the person whose words or actions are considered as representing the commonwealth (following the chapter sixteen definition of a person). The sense in which the commonwealth (rather than the sovereign) is a person, by contrast, is best captured not by the chapter sixteen distinctions, but rather by Hobbes's later discussion of the Trinity, where he instead claims that a person "is he that is Represented", or "that which is Represented by another." *Leviathan*, xlii.3, 776. See also *De Homine*, trans. in *Man and Citizen*, ed. Bernard Gert (Indianapolis: Hackett, 1991), xv.1, and, for discussion, Sean Fleming, "The Two Faces of Personhood: Hobbes, Corporate Agency and the Personality of the State," *European Journal of Political Theory*, forthcoming.

⁶⁵ *Leviathan*, xvi.3, 244.

the words or actions of the commonwealth.⁶⁶ Indeed, everything the sovereign does as an artificial person is attributed to the commonwealth. Hobbes later makes the point specifically in terms of will when discussing the authority of laws, which derives from “the Will of the Common-wealth; that is to say, from the Will of the Representative”.⁶⁷ For this argument to have the same conclusions as the sovereign-state identity thesis, it must also be the case that the commonwealth can speak or act solely through the sovereign as its representative. Hobbes later confirms this. The commonwealth “can do nothing but by the Person that Represents it, it is the act onely of the Sovereign.”⁶⁸ The commonwealth itself, then, is a person only by virtue of being represented by the sovereign; the relation between the two is one of representation, not identity.

By drawing on the concept of representation in *Leviathan*, Hobbes redefines the sovereign in terms of representation and thereby resolves his equivocation over the relation between the sovereign and the state from his earlier works. In so far as the important aspect of representation concerns the relation between the sovereign and the state,⁶⁹ this might seem to lend support to David Runciman’s argument that while every individual authorises the sovereign, the sovereign only represents the commonwealth as a collective person and does not represent every subject individually.⁷⁰ However, the evidence from Hobbes’s earlier works suggests otherwise.⁷¹ In *Elements*, to recall, the sovereign’s will

⁶⁶ *Leviathan*, xvi.2, 244. This is not to claim that the sovereign is *only* an artificial person. The sovereign also bears his own natural person (for example, *Leviathan*, xix.4, 288; xxiii.2, 376).

⁶⁷ *Leviathan*, xxvi.10, 420.

⁶⁸ *Leviathan*, xxiv.5, 388; see also xxvi.5, 416.

⁶⁹ Cf. Martinich, “Authorization and Representation,” 324, 332-36.

⁷⁰ David Runciman, “Hobbes’s Theory of Representation: Anti-democratic or Proto-democratic?” in Ian Shapiro, Susan C. Stokes, Elisabeth Jean Wood and Alexander S. Kirshner (eds.), *Political Representation* (Cambridge: Cambridge University Press, 2010), especially 18-26.

⁷¹ These considerations thus supplement the evidence against Runciman based on *Leviathan* alone, on which see Brito Vieira, *Elements of Representation*, 181; Arash Abizadeh, “Sovereign Jurisdiction, Territorial Rights, and Membership in Hobbes,” in Martinich and Hoekstra (eds.) *Oxford Handbook of Hobbes*, 409n. Most

should “involve and be taken for the wills of every man”.⁷² Notice the plural “wills” here, which is consistent with the way Hobbes conceptualises union.⁷³ Similarly, in *De Cive*, Hobbes argues that the sovereign’s will “may be taken as the *will* of all and each [*voluntate omnium & singulorum*].”⁷⁴ If, as I have argued, the concept of representation in *Leviathan* replaces Hobbes’s “taken as” claims from his earlier works, then this suggests that his position is that the sovereign’s will should be taken as (or represent) *both* the will of the every individual *and* the will of the collective person brought into being through the covenant. The former is crucial for his theory of union, the latter to make sense of the relation between the sovereign and the state.

This is a good note on which to conclude, for if what I have argued here is broadly accurate then we should understand Hobbes’s concepts of authorisation and representation as attempting to solve problems that are central to his project of theorising the commonwealth in terms of union, not just concord. This project, as is well-known, runs throughout every version of his political theory. For the making of union, however, individuals laying down rights to the sovereign was always insufficient. To understand how Hobbes could conceptualise the commonwealth as a single person with a single will, from *Elements* onwards, we instead have to see how the logic of authorisation and representation played out before *Leviathan*.

strikingly, it is unclear how Runciman’s interpretation can explain away Hobbes’s claim that the sovereign is “the Person representative of *all and every one of the Multitude*”, *Leviathan*, xix.3, 284 (emphasis added).

⁷² *Elements*, xx.3.

⁷³ *Elements*, xii.8; xix.6.

⁷⁴ *De Cive*, v.6.